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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,292	11/10/2006	Jurgen Schulz	4A005-002US1	8644
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CAMBRIDGE, MA 02138				
EXAMINER				
OBAID, FATHEH M				
ART UNIT		PAPER NUMBER		
3627				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

INFO@ORTPATENT.COM

Office Action Summary

Application No.

10/553,292

Applicant(s)

SCHULZ ET AL.

Examiner

FATEH M. OBAID

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. This communication is responsive to the application filed on 11/10/2006.
2. Claims 1-19 are currently pending and presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloom “US 2002/0130065 A1” (Bloom) in view of Robare “US 6,601,073 B1” (Robare).
 4. **Regarding Claim 11:** Bloom discloses a device for distributing packages or similar dispatched articles for performing the method according to claim 1, the device comprising:
 - a HUB center and in the area of the HUB center measuring device comprising (**at least see Bloom Abstract; Figs. 1 and 1A**) ;
 - a central computer, wherein measured data measured by the measuring device are supplied to the central computer correlating the measured data to the packages as package routing codes

such that by means of the measured data processed by the central computer in the HUB center a control action is effected with which the packages are transferable in an ordered sequence into at least one vehicle and the packages are distributable by a route planning that is dynamically optimized by the package routing codes (**at least see Bloom Abstract; ¶¶ 0066, 0071, 0140, 0161, 0191, 0232-0238 and 0247**).

- Bloom discloses the claimed invention but fails to explicitly disclose sensor units for detecting identification data, package sizes (length, width, height, weight), addresses and geo coordinates, respectively. However, Robare discloses this limitation (**at least see Robare Fig. 1; 8:38-67**).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use Robare's teachings in Bloom's Method and Apparatus For Efficient Packet Delivery and Storage enabled, for the advantage of faster sorting and distribution the items to the destination.

5. **Regarding Claim 12:** Bloom in combination with Robare discloses the device according to claim 11,

- wherein, for detecting and identifying the packages by package codes, a transponder as an information carrier is secured on the packages, wherein data of the transponder are acquired in the area of the HUB center that is configured as a sorting location and has a HUB computer with a stored-program control unit connected to the central computer, which HUB computer for handling the packages interacts respectively with sensor devices, controlled storage devices, packing devices, and distribution systems on the basis of the geo coordinates (**at least see Bloom ¶¶ 0138 and 0325-0331**).

6. **Regarding Claim 13:** Bloom in combination with Robare discloses the device according to claim 12,
 - wherein the sensor units are arranged in the HUB center in the area of an arrival conveying stretch and individually measure the packages, wherein comparing and measuring results of the sensor units are transmitted in the form of the package routing codes to the transponder forming the information carrier and to the HUB computer (**at least see Bloom ¶ 0250**).
7. **Regarding Claim 14:** Bloom in combination with Robare discloses the device according to claim 11,
 - wherein the HUB center in the area of an exit conveying stretch is provided with a packing device and a support device receiving package stacks contained in a transport box (**at least see Bloom ¶¶ 0181-0183**).
8. **Regarding Claim 15:** The device according to claim 11,
 - wherein as a support device for sorted package stacks a transport box having standardized dimensions is provided (**at least see Bloom ¶ 0082**).
9. **Regarding Claim 16:** Bloom in combination with Robare discloses the device according to claim 11,
 - wherein selected packages in the area upstream of a packing device pass through a transport system that distributes the packages in a targeted way for transfer into transport boxes (**at least see Bloom ¶ 0006**).
10. **Regarding Claim 17:** Bloom in combination with Robare discloses the device according to claim 11,
 - wherein the package routing codes generated in the central computer for a transport box,

respectively, are transmitted wireless or by a data storage medium onto a terminal device provided in a distribution vehicle **(al least see Bloom ¶¶ 0107--0109)**.

11. **Regarding Claim 19:** Bloom in combination with Robare discloses the device according to claim 17,

- wherein the terminal device has an input part that acknowledges the delivery of the package **(al least see Bloom Abstract; ¶¶ 0017, 0277)**.

12. **Regarding Claim 18:** Bloom in combination with Robare discloses the device according to claim 17,

- wherein a navigation system or auxiliary devices with an application for geo coordinates that is integrated into the distribution vehicle are connectable to the terminal device **(al least see Robare Abstract)**.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use Robare's teachings in Bloom's Method and Apparatus For Efficient Packet Delivery and Storage enabled, for the advantage of better communications for a faster deliver.

13. **Regarding Claims 1-10:** all limitations as recited have been analyzed and rejected with respect to claims 11-19. Claims 1-10 pertain to a method corresponding to the system of claims 11-19. Bloom is a method and system for the efficient bulk package delivery for recipients (Abstract). Thus, claims 1-10 are inherently anticipated via analysis through claims 11-19. Moreover, implementing the system of claims 11-19 will necessitate carrying out the steps prescribed in corresponding method claims 1-10.

Relevant Prior Art

14. The prior art made of record and not relied upon, which is considered pertinent to

applicant's disclosure, are cited in the Notice of Reference Cited form (PTO-892).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FATEH M. OBAID whose telephone number is (571)270-7121. The examiner can normally be reached on Monday-Friday 8:00 A.M to 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571)272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. M. O./
Examiner, Art Unit 3627
3/24/2010

***/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627***